



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

MAR 15 2011

Mr. Richard Sims, State Conservationist
USDA-Natural Resources Conservation Service
210 Walnut Street, 693 Federal Building
Des Moines, IA 50309

Dear Mr. Sims:

Re: Clarke County Water Supply, To Construct a Multiple-purpose Structure that Provides for Rural Water Supply and Water Based Recreational Opportunities, Clarke County, IA

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the Clarke County Water Supply proposal. Our review is provided pursuant to the National Environmental Policy Act (NEPA) 42 U.S.C. 4231, Council on Environmental Quality (CEQ) regulations 40 C.F.R. Parts 1500-1508, and Section 309 of the Clean Air Act. The DEIS was assigned the CEQ number 20110020.

Based upon EPA's review, we have rated the DEIS as EC-2 (Environmental Concerns-Insufficient Information). In particular, EPA believes that additional information, analyses and discussion on impacts to streams is necessary to fully account for ecological services which will be lost in the transition to a lake ecosystem. EPA's EC-2 rating means that the review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce those impacts.

Waters of the U.S.

Page 29: Stream mitigation for the 47 planned sediment basins needs to be described in the FEIS. This would include direct fill to stream channel and the impounded distance of stream, inclusive of all waters of the U.S. (which includes ephemeral, intermittent, and perennial). A jurisdictional determination for all waters is recommended. The FEIS should also discuss the long term maintenance of these sediment basins.

Appendix D, page D-9, second paragraph states: *"there are very few wetlands present in the watershed and those present are extremely degraded and provide only very marginal functions and values. Neither wetland acres nor functions were quantified for the no action or other project alternatives. The Tri-Agency team agreed that all of the alternatives would provide a net increase in wetland acres and functions."*

EPA should have been included as part of this team and in lieu of our early participation would like to be provided with information from these meetings on how this determination was made. How did the team determine that the wetlands were extremely degraded and provide only marginal functions and values? Were any on the ground wetland assessments conducted? Without further review, EPA cannot concur with the mitigation for wetlands. The Final EIS needs to address the forested wetland and scrub shrub wetland loss and provide a mitigation plan. The current ratio of mitigation to impacts is 1.16, which is above one, but the types of wetlands that will be created do not replace the types that will be lost. To take into account temporal loss, a higher ratio would be expected, especially considering that 29.9 acres of forested wetland will be impacted. The forested wetland impacts account for 46% of the projects wetland impacts (and a loss in the watershed of 36%), and is not addressed in the DEIS. Another concern is that 86% of the watersheds scrub shrub wetlands will be impacted by the project

Appendix D, Page D-16, reports that, "the stream documented and average Habitat Quality Index score of 72 percent (range = 63% - 83%). This was reported in % however the possible total scores can go up to 200 and are not reported in %. What was the actual range in scores? How does this compare to scores on nearby reference streams?

Other Specific Comments

Page 2: A pipeline from Des Moines was considered but was eliminated from further study due to several factors, including cost. What are the factors other than cost? This is an essential question within the CWA 404 permitting process.

Page 4: "As the upland wildlife management area is converted from cropland and grassland to forestland the following species will become more of a problem: Honeysuckle, Multiflora Rose, and Garlic Mustard". Has the USDA discussed contingency plans with the County noxious weeds department?

Page 8, Purpose and Need: An intended indirect effect is to promote growth. EPA recommends incorporating an expanded discussion of growth expectations, which may be supported by such references as County Master Plans, or other long-range planning documents and studies.

Page 29, Alternative 2 indicates that the drainage area is 6 to 270 acres in size, while page 116 indicates that the drainage area 6 to 325 acres in size. EPA recommends reconciling these values.

Page 38, Chart -- "Invasive Species": EPA recommends utilizing the FEIS and other Project communications to stress practices that should be employed to reduce/prevent the establishment and transmission of invasive species.

Page 55 and 56: For all alternatives, the FEIS should replace "X" with an accurate distance.

Page 56: Relating to dissolved oxygen (D.O.) concerns...optimally, the reservoir filling operation should start in the fall to reduce impacts to downstream ecology. If this is not possible due to construction schedules, can a water diversion be engineered if DO concentrations decrease

downstream? If the dam's design does not allow for a diversion, are there other methods that could be deployed to increase DO while the pool is filling?

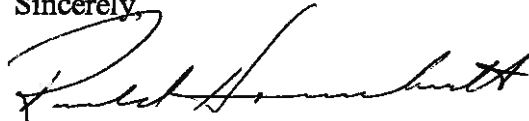
Page 56-57, last paragraph of each alternative: What, specifically, are the "controversial" agricultural operations that would affect water quality?

Page 78 provides an accounting of 11.4 miles of perennial streams whereas the table on page 40 indicates a range among alternatives as 5.1 to 5.5 miles of perennial streams. EPA recommends either a correction of the value or a description of its location.

Appendix D, page 68: The breach analysis shows a topping of I-35. EPA would recommend including a draft Emergency Action Plan in the Final Environmental Impact Statement in order to start the coordination of appropriate agencies, and alert citizens within the breach inundation zone.

Thank you for the opportunity to review the DEIS. Questions regarding these comments should be directed to Joseph Cothorn at (913) 551-7148 or cothorn.joe@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald F. Hammerschmidt", with a stylized flourish at the end.

Ronald F. Hammerschmidt, Ph.D.
Director
Environmental Services Division